IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4650 of 2007()

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(CRIME NO.71/2007 OF KASARAGOD POLICE STATION )

: PETITIONER/ACCUSED

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PUSHPAKARAN.G., S/O.GOPALAN,
MANDALIPARA, THEKKIL P.O.,
THEKKIL VILLAGE, CHENGALA (VIA), KASARAGOD
KASARGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS: COMPLAINANT & STATE

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1. STATE - REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
(CRIME NO.71 OF 2007 OF KASARAGOD POLICE STATION)
KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.4650 of 2007**

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Dated this the 3rd day of August, 2007

**ORDER**

Application for anticipatory bail. Petitioner faces allegations under Sec.306 IPC. The neighbour of the petitioner, a woman is alleged to have committed suicide, leaving a suicide note in which she expressed her displeasure about certain conduct of the petitioner. Such conduct allegedly had induced in her frustration which eventually led to her commission of suicide. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Even assuming the alleged conduct of the petitioner to be true and correct, there is not a semblance of material to infer or assume that the petitioner could have contemplated the consequence of commission of suicide. In these circumstances, appropriate directions may be issued to save the petitioner from the undeserved trauma of arrest and detention. The petitioner may be granted anticipatory bail, it is submitted.

2. The learned Public Prosecutor does not oppose the said prayer and I am satisfied that subject to appropriate conditions anticipatory bail can be granted.

3. In the result, this petition is allowed. The following directions are issued under Sec.438 Cr.P.C.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 10/8/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 4 p.m on 11/08/2007 and 12/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of three months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 10/8/2007, he shall be released from custody on his executing a bond for Rs.50,000/-(Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 10/8/2007.

**(R.BASANT, JUDGE)**

sj

/TRUE COPY/

P.A.TO JUDGE